

MAINE STATE LEGISLATURE

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D. OF R.

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L.D. 1645

(Filing No. S- 308)

STATE OF MAINE
SENATE
112TH LEGISLATURE
FIRST REGULAR SESSION

SENATE AMENDMENT "D" to HOUSE AMENDMENT "B" to
S.P. 628, L.D. 1645, Bill, "AN ACT Relating to the
Administration of Vocational Education."

Amend the amendment in section 5 by striking out
all of that part designated "§12551." and inserting
in its place the following:

'§12551. Purpose and intent

1. Purpose. The purpose of this chapter is to:

A. Create vocational-technical institutes in
Maine which will be able to respond to the needs
of the people of the State for vocational, tech-
nical and occupational training; and

B. Provide for responsive administration of the
vocational-technical institutes.

2. Intent. It is the intent of the Legislature
that the vocational-technical institutes shall:

A. Provide vocational, technical and occupation-
al education for those who demonstrate aptitude
and need and who require training designed for
service in agriculture, trade, industry or com-
merce;

B. Provide each graduate with job skills;

C. Provide the general education necessary to
complement the requirements of specific vocation-
al and technical skills;

D. Provide supplementary educational programs to
upgrade those persons already employed or retrain

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1 persons for new employment opportunities; and

2 E. Provide special programs for disadvantaged
3 and handicapped persons to permit them to take
4 maximum advantage of their aptitudes and inter-
5 ests.'

6 Further amend the amendment in section 5 in that
7 part designated "§12552." by inserting after subsec-
8 tion 4 the following:

9 '5. Vocational-technical institute system.
10 "Vocational-technical institute system" means the
11 combined entity of all vocational-technical insti-
12 tutes.

13 6. Vocational-technical institute fund.
14 "Vocational-technical institute fund" is the fund es-
15 tablished under section 12561-A.'

16 Further amend the amendment in section 5 in that
17 part designated "§12554." in subsection 3 in the 3rd
18 line (page 7, line 31 in amendment) by striking out
19 the underlined word "institutes" and inserting in its
20 place the following: 'institute system'

21 Further amend the amendment in section 5 in that
22 part designated "§12554." by inserting after subsec-
23 tion 4 the following:

24 '5. Enter into contracts and agreements. Enter
25 into any contracts, leases and agreements and all
26 other instruments and arrangements that are neces-
27 sary, incidental or convenient to the performance of
28 its duties and the execution of its powers under this
29 chapter;

30 6. Acquire property by purchase, lease or rent.
31 Acquire by purchase, lease or rent any lands, build-
32 ings, structures, facilities or equipment to further
33 the purposes of this chapter;

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1 7. Sell and dispose of property. Sell and dis-
2 pose of property, including lands, buildings, struc-
3 tures, equipment and facilities. Any revenues de-
4 rived from the sale of property shall be placed in
5 the vocational-technical institute fund and used as
6 in section 12551;

7 8. Undertake construction and renovation. Ap-
8 prove the construction, renovation and reconstruction
9 of buildings, structures and facilities within the
10 constraints of the budget of the vocational-technical
11 institute system;

12 Further amend the amendment in section 5 in that
13 part designated "§12554." in subsection 6 in the
14 first 4 lines (page 8, lines 16 to 19 in amendment)
15 by striking out the following: "Establish and oversee
16 the operation of the vocational-technical institutes.
17 Establish and oversee the operation of the
18 vocational-technical institutes to" and inserting in
19 its place the following: 'Establish and promote spe-
20 cialized training. Establish and'

21 Further amend the amendment in section 5 in that
22 part designated "§12554." by inserting after subsec-
23 tion 6 the following:

24 '7. Establish and collect program fees and
25 charges. Establish and collect program fees and oth-
26 er charges as necessary for the efficient implementa-
27 tion of this chapter to be deposited in the
28 vocational-technical institute fund and used accord-
29 ing to section 12551;

30 8. Establish and collect use fees. Establish
31 and collect reasonable fees for the use of the insti-
32 tutes' facilities by others. These fees shall be re-
33 tained by the institute which incurs the costs;'

34 Further amend the amendment in section 5 in that
35 part designated "§12554." in subsection 8 in the
36 first line (page 9, line 4 in amendment) by striking

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1 out the underlined word "commissioner's" and in the
2 4th and 5th lines (page 9, lines 7 and 8 in amend-
3 ment) by striking out the underlined words "and as-
4 stant directors"

5 Further amend the amendment in section 5 in that
6 part designated "§12554." in subsection 8 in the last
7 line (page 9, line 9 in amendment) by striking out
8 the following: "commissioner;" and inserting in its
9 place the following: 'board and approve the direc-
10 tor's appointment of the assistant director who shall
11 serve at the pleasure of the director;'

12 Further amend the amendment in section 5 in that
13 part designated "§12554." by inserting after subsec-
14 tion 8 the following:

15 '9. Adopt and approve personnel policies. Adopt
16 and approve personnel policies and procedures for the
17 vocational-technical institutes. The board shall
18 recommend the qualifications, duties and compensation
19 of its employees. These provisions shall be consist-
20 ent with any collective bargaining acts and agree-
21 ments;'

22 Further amend the amendment in section 5 in that
23 part designated "§12554." by inserting after subsec-
24 tion 9 the following:

25 '10. Work with private sector. Work closely
26 with the private sector in order to insure that the
27 vocational-technical institutes respond expeditiously
28 to the needs of the private sector and the state
29 economy, particularly with respect to changing tech-
30 nology, industries and job needs;

31 '11. Expend, allocate and transfer funds. Expend
32 funds as necessary to fulfill this chapter and allo-
33 cate and transfer funds within the
34 vocational-technical institute system under the ad-
35 ministration of the board and the commissioner as the
36 board deems necessary;

D.C.

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1 12. Allocate and transfer personnel and equip-
2 ment. Allocate and transfer personnel, consistent
3 with collective bargaining agreements, and equipment
4 within the vocational-technical institute system un-
5 der the administration of the board and commissioner
6 as the board deems necessary;

7 13. Qualifications for admission. Establish
8 qualifications for admission;

9 14. Establish additional vocational-technical
10 institutes. Establish additional vocational - tech-
11 anical institutes as appropriate; and'

12 Further amend the amendment in section 5 in that
13 part designated "§12554." in subsection 9 in the last
14 line (page 9, line 13 in amendment) by striking out
15 the underlined word "and"

16 Further amend the amendment in section 5 in that
17 part designated "§12554." in subsection 10 in the 2nd
18 line (page 9, line 15 in amendment) by striking out
19 the underlined words "or convenient" and in the last
20 line (page 9, line 16 in amendment) by striking out
21 the following: "chapter." and inserting in its place
22 the following: 'chapter; and'

23 Further amend the amendment in section 5 in that
24 part designated "§12554." by inserting after subsec-
25 tion 10 the following:

26 '11. Establish rules. Establish rules to carry
27 out the purposes of this chapter.'

28 Further amend the amendment in section 5 in that
29 part designated "§12554." by renumbering the subsec-
30 tions to read consecutively.

31 Further amend the amendment in section 5 in that
32 part designated "§12555." in the first paragraph in
33 the 2nd line (page 9, line 20 in amendment) by strik-

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1 ing out the underlined words and punctuation
2 "day-to-day" and in the 3rd line (page 9, line 21 in
3 amendment) by striking out the underlined words
4 "Maine vocational-technical institutes" and inserting
5 in their place the following: 'vocational-technical
6 institute system'

7 Further amend the amendment in section 5 in that
8 part designated "§12555." in subsection 3 in the 3rd
9 line (page 9, line 34 in amendment) by striking out
10 the underlined word "institutes" and inserting in its
11 place the following: 'vocational-technical institute
12 system'

13 Further amend the amendment in section 5 in that
14 part designated "§12555." by striking out all of sub-
15 section 4 and inserting in its place the following:

16 '4. Oversee the administration of the insti-
17 tutes. To oversee the administration of the insti-
18 tute system;'

19 Further amend the amendment in section 5 in that
20 part designated "§12555." in subsection 6 in the 2nd
21 line (page 10, line 12 in amendment) by striking out
22 the underlined words "and assistant directors"

23 Further amend the amendment in section 5 in that
24 part designated "§12555." in subsection 7 in the 2nd
25 line (page 10, line 17 in amendment) by striking out
26 the underlined word "with" and inserting in its place
27 the following: 'between the vocational-technical in-
28 stitute system and'

29 Further amend the amendment in section 5 in that
30 part designated "§12555." in subsection 12 in the
31 last line (page 11, line 7 in amendment) by inserting
32 after the underlined figure and punctuation "12551,"
33 the underlined word 'and'

34 Further amend the amendment in section 5 in that
35 part designated "§12555." by striking out all of sub-

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1 section 13.

2 Further amend the amendment in section 5 in that
3 part designated "§12555." by renumbering the subsections
4 to read consecutively.

5 Further amend the amendment in section 5 in that
6 part designated "§12556." in subsection 1 in the 2nd
7 line (page 11, line 24 in amendment) by inserting after
8 the underlined words "for the" the following:
9 'day-to-day'

10 Further amend the amendment in section 5 in that
11 part designated "§12556." by inserting after subsection
12 1 the following:

13 '2. Appointment of deans. The director of each
14 vocational-technical institute may appoint a dean and
15 other personnel with the approval of the commissioner.
16 '

17 Further amend the amendment in section 5 in that
18 part designated "§12556." by inserting after subsection
19 2 the following:

20 '3. Evaluate personnel at the institute. The
21 director of each institute shall make recommendations
22 as requested by the board or the commissioner concerning
23 policies relating to the hiring, firing or
24 granting of any merit increases to instructional personnel
25 and to make specific recommendations as requested
26 about individual instructors, consistent with
27 any collective bargaining agreements.'

28 Further amend the amendment in section 5 in that
29 part designated "§12556." by renumbering the subsections
30 to read consecutively.

31 Further amend the amendment in section 5 by inserting
32 after that part designated "§12557." the following:
33

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1 '§12557-A. Operation of courses at a secondary voca-
2 tional facility; administration; tuition
3 charges

4 1. Courses offered. Institute vocational
5 courses at grade levels 13 and 14 may be operated in
6 vocational centers or vocational regions if approved
7 by the state board.

8 2. Administration. If these courses are not
9 part of an adult education program, they shall be ad-
10 ministered as satellite programs of an institute des-
11 ignated by the state board.

12 3. Tuition. Tuition for these courses shall be
13 charged directly to the students enrolled, at rates
14 approved by the state board.'

15 Further amend the amendment in section 5 by in-
16 serting after that part designated "§12561." the fol-
17 lowing:

18 '§12561-A. Nonlapsing fund

19 A nonlapsing, interest earning fund, known as the
20 vocational-technical institute fund, is created to
21 implement this chapter. Any unexpended balance of
22 funds appropriated by the Legislature to the
23 vocational-technical institute system shall be car-
24 ried over for the continued use in the programs with-
25 in the system. The fund may also receive, invest and
26 expend money from gifts, grants, bequests, donations,
27 program fees, tuition, other charges and the sale and
28 disposal of property in accordance with section
29 12554, subsection 4.'

30 Further amend the amendment in section 17 in sub-
31 section 6 in the 4th and 5th lines (page 29, lines 15
32 and 16 in amendment) by striking out the following:
33 "or state schools for practical nursing" and insert-
34 ing in its place the following: 'er state sechools for
35 practieal nursing'

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1 Further amend the amendment in section 22 by
2 striking out all of subsections 1 to 3 and inserting
3 in their place the following:

4 1. The Board of Trustees of the Maine
5 Vocational-technical Institutes staff needs. The
6 Board of Trustees of the Maine Vocational-technical
7 Institutes staff needs to carry out its duties out-
8 lined in this Act;

9 2. Vocational-technical institute staff and ad-
10 ministrative needs. The staff and administrative
11 needs of the vocational-technical institutes to carry
12 out the intent of this Act and the original purpose
13 in establishing the vocational-technical institutes
14 of providing "responsive administration;"

15 3. Department of Personnel and Department of Fi-
16 nance and Administration. The policies and proce-
17 dures of the Department of Personnel and the Depart-
18 ment of Finance and Administration as they relate to
19 the provision of vocational education to meet the
20 needs of Maine's industry and labor force;

21 4. Collective bargaining. The State's role with
22 respect to the collective bargaining units within the
23 vocational-technical institute system;

24 5. Appropriation. The appropriation of lump-sum
25 appropriations for the vocational-technical insti-
26 tutes;

27 6. Labor negotiations. To conduct labor negoti-
28 ations within the vocational-technical institute sys-
29 tem;

30 7. Personnel decisions. To have flexibility in
31 personnel employment and management decisions in the
32 vocational-technical institute system; and

33 8. Purchasing. To develop a purchasing system

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1 responsive to the particular needs of the
2 vocational-technical institute system.'

3 Further amend the amendment by inserting before
4 section 23 the following:

5 'The Joint Standing Committee on Education may
6 also introduce legislation pursuant to this review.'

7 STATEMENT OF FACT

8 This amendment amends the House amendment by
9 first replacing the statement of purpose and mission
10 with the purpose and intent section in present law.

11 It further inserts sections in the Joint Standing
12 Committee on Education's original bill which were
13 left out of the house amendment.

14 Finally, it inserts one section from present law
15 on courses at secondary vocational facilities which
16 was omitted from the house amendment.

17 4492061885

18 (Sen. Brown)
19 SPONSORED BY: Larry M. Brown
20 COUNTY: Washington

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